

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:07cv142**

<b>JEFFREY D. GREGORY,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>POSTMASTER JOHN POTTER,</b>	)	
<i>et al.,</i>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**THIS MATTER** is before the court on the Response to Order and Request for Additional Time to Either Intervene or Otherwise Respond to the Court as to how the Bankruptcy Trustee Wishes to Proceed (#13).

In such timely response, the honorable Trustee sets forth to the court how plaintiff herein failed to disclose this action in his Schedule B of his bankruptcy schedules. The Trustee advises that in order to make an informed decision as to whether it is in the best interest of the Chapter 7 bankruptcy estate to proceed, the Trustee has requested 60 days within which to intervene or otherwise respond to that a deposition of Mr. Gregory can be conducted. The court finds this to be a commendable course of conduct that will protect the legal interests of Mr. Gregory, concerns of the district court under Rule 11, and protect the interests of the bankruptcy estate. The relief sought will, therefore, be granted, and Mr. Gregory shall appear when noticed by the Trustee for his deposition and produce any documents the Trustee may require.

This court notes and greatly appreciates the Trustee's prompt and professional efforts in this matter.

## ORDER

**IT IS, THEREFORE, ORDERED** that the Request for Additional Time to Either Intervene or Otherwise Respond to the Court as to how the Bankruptcy Trustee Wishes to Proceed (#13) is **ALLOWED**, and the Trustee of the bankruptcy estate is allowed 60 days from the filing of this Order to Intervene or Otherwise respond.

The Clerk of this Court is directed to certify a copy of this Order to the United States Bankruptcy Court for the Western District of North Carolina for filing in In re Jeffrey Dale Gregory, et al.,07-40065.

The Clerk of this court is further instructed to send a courtesy copy of this Order to Paul Taylor, Civil Chief, Assistant United States Attorney.

The Clerk of the Bankruptcy Court is, respectfully, instructed to send a copy of this Order to the Trustee.

Signed: May 17, 2007

Dennis L. Howell

Dennis L. Howell  
United States Magistrate Judge

